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10/644,955	08/21/2003	Kazuo Okada	3022-0020	6676

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EXAMINER	
SHAH, MILAP	

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/644,955	OKADA, KAZUO	
	Examiner	Art Unit	
	Milap Shah	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-10 and 14-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-10 and 14-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the amendment filed November 15, 2007. The Examiner acknowledges that claims 1, 5, 9, & 10 were amended, claims 3, 4, & 11-13 are canceled, and claims 14-27 are newly added. Therefore, claims 1, 2, 5-10, & 14-27 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, & 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa (JP Publication No. 2000-300729) in view of Yamaguchi et al. (JP Publication No. 2001-062032) & Ishida (JP Publication No. 09-253271). Note: Machined English translations provided for those references not previously relied upon in prosecution.

Claims 1, 5, 9, & 10: Nishikawa discloses the invention substantially as claimed including the following structurally relevant elements:

a) a variable device having a plurality of rotating reels (the kind having symbols on an outer peripheral surface) for varyingly displaying a plurality of symbols under the control of a central processing unit or CPU (i.e. the gaming reels or drums as described in at least paragraph 0002 and figure 3[drums 2]);

b) a lottery device for executing a lottery for a *prize pattern* (interpreted as a game outcome) under control of the CPU (i.e. as the device disclosed by Nishikawa is a slot machine, it is implicit

that the slot machine perform a random function to randomly select an outcome of the game using game symbols, said function is performed by the processor or equivalent "lottery device");

c) a stop control device for controlling and stopping the variable display device under the control of the CPU (i.e. the motor and mechanics that stops the reels or drums of the variable display device in accordance with the randomly selected outcome, such that game symbols on the reels or drums stop in accordance with said outcome);

d) a stop control selection device for selecting a control type of the stop control device based on a result of the lottery under control of the CPU (i.e. the stop control device is interpreted as the function or processing behind controlling of the stop control device to effectively stop the reels or drums of the variable display device at the desired locations in accordance with the lottery);

e) a shielding device for shielding a view of the variable display device under control of the CPU, the shielding device being disposed in front of the variable display device (figure 3[liquid crystal panel 33 disposed in front of drums 2]);

f) a shielding control device for controlling shielding (see at least figures 3-5, where in figures 4 or 5 it can clearly be seen that the shielding device is being controlled for the purpose of shielding various regions of the variable display device in accordance with the lottery performed above);

g) a special game controller for causing a special gaming state that is advantageous to the player under a predetermined condition (paragraph 0015 discloses that upon obtaining a predetermined pattern a bonus game may be initiated as is common and known in the gaming arts, where the bonus game is considered a state that is advantageous to the player), wherein the shielding control device controls the shielding device during the special gaming state (paragraph 0015 further discloses use of the liquid crystal panel 33 during the bonus game);

Nishikawa structurally lacks disclosing a plurality of illumination devices, each of which illuminates the variable display device and is provided at the back of the variable display device and

an illumination control device for controlling each of the plurality of illumination devices. It is noted that such elements are notoriously well known in the art as lamps, LEDs, lights or the like disposed behind the reel and shielding device structures to directly illuminate symbol positions of the game matrix. Such elements have been common place specifically within the slot machine art for decades. However, for the sake of avoiding mere assertions, the Examiner submits that Yamaguchi et al. explicitly discloses illumination devices used for illuminating a variable display device, each of which are disposed in the back of said variable display device (figure 2[lamps 34B, 34G, 34R]). Further, Yamaguchi discloses an illuminating control device for controlling the illumination devices (Cite). There are numerous reasons why one would be motivated to modify Nishikawa with illumination devices. First, as it is common place in the art, it would have been a mere design consideration. Second, Nishikawa is directed to clearly conveying to a player a winning pattern and the illumination devices disclosed by Yamaguchi et al. are of different colors to highlight symbol positions in various colors, thus, one would find it obvious to improve upon Nishikawa by including colored lamps to add more aesthetics to the representation of the winning pattern. And lastly, the slot machine disclosed by Yamaguchi et al. is clearly similar to that of Nishikawa, thus falls in the same field of endeavor and those skilled in the art would have found it obvious to interchange elements or features of either machine to the other.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the structural elements as discussed above for at least the reasons discussed above.

The combination of Nishikawa & Yamaguchi et al. disclose the invention substantially structurally as claimed except for explicitly disclosing intended use or functional-type limitations of the claimed apparatus.

First, as noted in the previous action, recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art if the prior art apparatus teaches all of the structural limitations of the claim. See *Ex parte Masham*, 2 USPQ2d 1647 [Board of Patent Appeals & Interferences, 1987]. The Applicant argued that 35 U.S.C. 112, 6th authorizes claiming an apparatus based on its functional limitations. While, the Examiner agrees with the Applicant, it is noted that the Applicant has NOT invoked 35 US.C. 112, 6th paragraph. If Applicant wishes to invoke 35 U.S.C. 112, 6th paragraph, all "for" language must be modified to "means for". Thus, the argument the Applicant submitted with respect to functional language in the instant application is moot, as the claim language is not proper to invoke 112, 6th paragraph and the cited language from the MPEP is specific to 35 U.S.C. 112, 6th paragraph.

Nonetheless, the Examiner will address the functional language as well. The combination of Nishikawa & Yamaguchi et al. fail to explicitly disclose the shielding device being in either a state that a player can see the symbols or a state that the player cannot see the symbols in accordance with a stopping order by controlling the shielding device such that (1) a display area of the reel that is to be stopped is in the state that the player can see the symbols on the reel and (2) display areas of other reels that are not to be stopped are in the state that the player cannot see the symbols on those reels. The Examiner initially submits that such a function of the shielding device is a mere design consideration, however, to avoid making assertions the Examiner submits Ishida discloses a gaming machine in which a validation order selection means selections one of two stored stop orders and conducts a game in which the player is directed to stop the reels in either of the two orders. Depending on the selected stop order, the player is able to only stop one reel at a time and the reel to be stopped is indicated to the player via an indication lamp associated with the stop button. Thus, Ishida discloses a teaching in which multiple reels are spinning and are to be stopped in accordance with a randomly selected stop order table. Given the established structural elements of the

combination of Nishikawa & Yamaguchi et al. it would have required mere routine skill in the art to use the shielding device to shield those reels that are not to be stopped and make visible the reel that is to be stopped based on the stop order table as taught by Ishida. Again, it is noted, the only missing element within Ishida for the functional limitation being addressed is that Ishida discloses no shielding of the reels not to be stopped, however, there is an implicit guard against being able to select those reels. At this point it's a mere design consideration to mask those reels that simply can not be stopped until their "turn" comes up based on the stop order table selected. Given the capability of the shielding device, the structure is present and capable to perform such a task. One would be motivated to modify Nishikawa with the teachings of Yamaguchi and further with the teachings of Ishida to improve upon an older mechanical gaming machine in which it is well known in the art that certain skilled persons have been able to stop mechanical reels at desired positions, simply based on their skill of pressing stop buttons at the right time based not only on the reel that they're trying to stop but also what's on other reels. To avoid this type of skilled play (considered a form of cheating in casinos), it would have been desirable to completely mask or shield those reels that are not to be stopped such that players cannot skillfully stop all the reels at desired locations, resulting in a more secure and more random gaming machine. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishikawa with the teachings of Yamaguchi as discussed above and further modify Nishikawa with shielding of reels that are not to be stopped based on a selected stop order table as taught by Ishida for at least the reasons discussed above.

Claims 2, 6, & 8: The liquid crystal panel of Nishikawa is considered an electronic shutter, as the display is a video display or LCD and "shutters" or blocks visibility of symbols.

Claim 7: The liquid crystal panel of Nishikawa is positioned in front of the variable display reels such that the panel is substantially flat and as discussed above switches between a state of

transparency and a state of being opaque, and as each pixel can be controlled, some portions may be transparent while others are not, or vise versa (figures 3-5).

Claims 14-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa, Yamaguchi et al., & Ishida, as applied to claims 1, 2, & 5-10, where applicable, further in view of Official Notice.

Claims 14-18 & 21-25: The combination of Nishikawa, Yamaguchi et al. & Ishida appears to lack an explicit disclosure of the specifics of the illumination devices, however, the Examiner takes Official Notice that each of the claimed elements are notoriously well known in the art. Reel structures with a plurality of illumination devices disposed within have been disclosed for decades. Thus, the Examiner submits that the following are notoriously well known in the art and upon request will provide references, however, the Examiner's position is that these limitations are so well known that a reference is not necessary. Therefore, a) controlling the plurality of illumination devices to operate in different blinking modes; b) each of the illumination devices illuminating a respective display symbol; c) the illumination devices being back lamps; d) the back lamps further comprising a lamp housing; and e) the lamps being positioned within the lamp housing, are each notoriously well known features of illumination devices within reel structures as would be within the common level of skill and knowledge to those of ordinary skill. Therefore, for at least the reasons provided, it would have been prima facie obvious to modify the combination of Nishikawa, Yamaguchi et al. & Ishida to obtain the invention as specified in claims 14-18 or 21-25.

Claims 19, 20, 26, & 27: The combination of Nishikawa, Yamaguchi et al. & Ishida appears to lack an explicit disclosure of the symbols being printed with light transmitting ink and regions around the symbols being printed with light shielding ink, However, the Examiner takes Official Notice that semi-tranmissive reel strips for reel structures have been notoriously well known in the art. As the illumination devices go, they're used for backlighting reels for various purposes. Thus, it would be

essentially required for the symbols to be printed on semi-transparent material with light transmitting ink and any areas that you would not want transmitting light to be printed with light shielding ink, such as the region around the symbol to bring attention to the symbol. This practice has been well known in the art, thus, unless specifically requested by the Applicant, the Examiner maintains that no specific reference is necessary to illustrate such a well known technique in the gaming arts. Therefore, for at least the reasons provided, it would have been prima facie obvious to modify the combination of Nishikawa, Yamaguchi et al. & Ishida to obtain the invention as specified in claims 19, 20, 26, or 27.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 5-10, & 14-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the "Notice of Cited References" for one additional foreign publication relevant that appears to be relevant to the claimed subject matter.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is

mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571)272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

/MBS/